

REMARKS

Claims 34-37, 40, 44-47, 54, 56-58, 61, 65-68 and 70 remain in the application.

Claim 34 was rejected under 35 U.S.C. 102(b) as being anticipated by Hunter (4930174). That rejection is respectfully traversed for the following reasons.

Axiomatically, rejection of a claim for anticipation by a reference requires that the reference explicitly or inherently describe all of the elements, limitations, and relationships recited in the claim.

In support of the rejection the Office Action states that "Hunter discloses an inflatable device having two inlets 25 each with a plug. The inflation of the device using only one inlet teaches a method for controlling the airflow in the device including the steps of providing a plug placed in a retained in an inlet port and introducing airflow into the device via another inlet port where the plug prevents egress of air".

It is respectfully submitted that Hunter does not explicitly or inherently describe a plug according to claim 34, and does not enable the plug of the claim.

Claim 34 recites a method for controlling airflow through an inflatable device having two or more inlet ports for admitting airflow into the device which includes the following specifically-recited steps:

"providing a plug ..." (Fig. 1 of the application; not shown or described in Hunter);

"placing the plug in an inlet port and retaining the plug in the inlet port ... " (Figs 2, 15, and 16 of the application; not shown or described in Hunter);

"the plug restricting egress of the airflow through the other inlet port. (Figs 15, and 16 of the application; not shown or described in Hunter)

Hunter describes is an air mattress having two pump assemblies 10 and an exhaust valve 12. The pump assemblies 10 are used to inflate the mattress while the exhaust valve 12 is used to deflate the mattress. Each pump assembly 10 includes an envelope 15 defining a pumping chamber 16 with a inlet passage 23 and extending "from each envelope 15 is a first duct 18 which also acts as a one way valve." (Hunter, col. 2, lines 36-46, emphasis added) In use, the user places a hand over the passage 23 and compresses the chamber 16, "the volume of the chamber 16 is reduced, thereby compressing air within each chamber 16. The air is then forced out through the first duct 18 into the air mattress. When the user releases a hand from one of the envelopes 15, the associated passage 23 is exposed thereby allowing air to enter the chamber 16 The process is then repeated until the air mattress is inflated." In addition, the pumps can be compressed either together or out of phase. (Hunter, col. 2, lines 46-65).

Hunter nowhere recites a “plug” or any synonym thereof. As described, the two inlets in Hunter use pumps with one way valves. The pumps can be used together or independently, with the air entering the mattress through one way valves. Air cannot exit the mattress through the inlets, therefore eliminating any need for providing a plug, placing the plug in an inlet port, retaining the plug in the inlet port with the plug restricting egress of the airflow through the other inlet port, as required in claim 34.

Accordingly, claim 34 is not anticipated by Hunter, and the Applicant respectfully requests withdrawal of this rejection.

Claims 34-37, 40, 44-47, 54, 56-58, 61, 65-68 and 70 were rejected under 35 U.S.C. 103(a) as being unpatentable over Berke et al. (USPN 5304213) in view of McCord (USPN 4043474). That rejection is respectfully traversed for the following reasons.

Prima facie, rejection of a claim for obviousness over a combination of references requires some suggestion or motivation to combine the references, a reasonable expectation of success, and the inclusion of all elements and limitations of the rejected claim in the combination or by suggestion. See MPEP 2142, et seq.

The Office Action states that “Berke et al. teach all of the limitations of this claim except for the plug. Berke et al. disclose an inflatable device having two inlets 73 and 74, each with a pull-seal label closing” and that “McCord teaches a plug 30 for closing a container.” The Office Action concludes that it “would have been obvious to one of ordinary skill in the art at the time of the invention to use a plug as in McCord in the device of Berke et al. as a effective means to prevent egress of air.”

Berke et al. discloses a disposable hyper-hypothermia blanket 70 having “two receptacle openings 73 and 74. An opening is provided on both sides of the blanket for convenience of use by medical personnel. Each has a pull-seal closing off the openings, one of which can simply be removed with the blanket is ready for use. A thin non-sealing membrane covering which is easily broken can also be used.” (Berke et al., col. 6, lines 34-40, FIG. 7).

McCord teaches a closure for a container that is generally cylindrical in shape and made of plastic or cardboard. Such containers are rigid and McCord's closure depends upon such rigidity for support and operation. Such containers are used, for example, for storage of drain cleaners and toilet bowl cleaners. The container includes a can curl (a generally circular rim 20) formed as a rolled bead. The closure is centered in the rim 20.

There is no teaching in Berke et al. that suggests combining Berke et al. with McCord to provide a removable plug for closing the inlet port of an inflatable blanket. The disposable hyper-hypothermia blanket of Berke et al. is provided with closures on the inlet ports, either pull-

seals or thin non-sealing membrane coverings that can be broken, neither of which constitute a plug as described by the Applicant. Since a plug is not required to close the inlets in Berke et al. for it to function, there is no suggestion or motivation to modify the reference to include an inlet plug. Moreover, McCord's closure is in a field and solves a problem that are altogether unrelated to the blanket Berke discloses. McCord's invention is in the container arts, and is intended to provide a child proof, snap-fit closure for a rigid opening in a container. See McCord at col. 6, lines 48-63. There is no discussion or intimation in McCord which would lead one skilled in the art of hyper-hypothermia blankets to consider the use of a snap-fit closure to close an already-closed opening in Berke's blanket.

Further, it has not been demonstrated that the modification of the cited prior art points to the reasonable expectation of success, which is the second requirement of the obviousness analysis. The collars used in the inlet openings in Berke et al. are described as "a collapsible box-like design which allows it to fold down upon itself" with "a center horizontal fold line 38 ... to facilitate the collapsing of the collar." (Berke et al., col. 5, lines 4-11). The modification of the collar with the closure disclosed in McCord would prevent collapsing of the collar, a preferred embodiment disclosed in Berke et al. (col. 5, lines 4-6).

Finally, the combined references do not teach or suggest all the claim limitations. Berke has been read with diligence, but no reference has been found to an "inflatable cover" or to an "inflatable blanket" for that matter. There is also no reference in Berke to "placing the plug in an inlet port". In this regard, Berke et al.'s ports are sealed and do not need to be plugged. Nor is there any reference in Berke to "the plug restricting egress of the airflow through the other inlet port", again because Berke's other inlet port is sealed with either a pull-seal or a thin non-sealing membrane covering. McCord does not rectify these omissions. If the examiner is of the opinion that these elements and limitations are suggested by or otherwise described in Berke, the applicants respectfully request an affidavit or a reference in support.

The Office Action also states on page 4 that it "would have been obvious to one of ordinary skill in the art at the time of the invention to include a plug as in McCord in the device of Berke et al. as an effective means to repeatedly close and open the inlet port of the device." The device disclosed in Berke et al. is for a disposable blanket. There is nothing in Berke et al. which discloses a requirement to repeatedly close and open the inlet port of the device. As such, this requirement should not be considered in the combination of references.

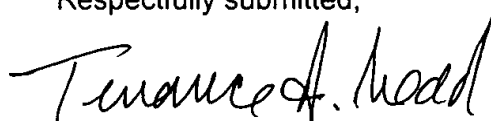
Since there is no suggestion or motivation to modify the reference, no reasonable expectation of success and the combined references do not teach or suggest all the claim limitations, the Examiner is requested to withdraw this rejection.

The Commissioner is hereby authorized to charge any fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50/2258. A duplicate copy of this sheet is enclosed.

Date:

19 March 2003

Respectfully submitted,


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